

JOURNAL OF THE HOUSE.

Monday, October 25, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God of Goodness and Truth, each day we place our trust in You and in Your personal concern for our total material and spiritual well-being. We believe that Your concern for us is constant as we carry out our daily responsibilities and obligations which are often challenging. However, Your gift of wisdom empowers us to comprehend personal and legislative issues in a clear and objective manner and to make reasoned, not merely emotional, choices. In this new age and changing world, inspire us to remain faithful to our high ideals, lofty goals, Your precepts and the needs of people.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to creditable service for service rendered as a school nurse [see House, No. 4677, amended] (for message, see House, No. 5111) was filed in the office of the Clerk on Friday, October 22.

School
nurses,
creditable
service.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Petrolati of Ludlow, to the committee on Bills in the Third Reading.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to authorizing the Rockland Sewer Commission to enter into a contract for the disposal of sewage and the Abington/Rockland Joint Water Works to enter into a contract for the supply of water (House, No. 5112) was filed in the office of the Clerk on Friday, October 22.

Rockland
Sewer
Commission.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Local Affairs and Regional Government. Sent to the Senate for concurrence.

*Resolutions.*Boston
Red Sox.

Resolutions (filed with the Clerk by Mr. DiMasi of Boston) congratulating the Boston Red Sox on winning the 2004 American League Championship Series, were referred, under Rule 85, to the committee on Rules.

Mr. Miceli of Wilmington, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Petition.*Public
counsel.

Mr. Vallee of Franklin presented a petition (subject to Joint Rule 12) of James E. Vallee and other members of the House relative to the appointment and assignment of counsels for indigent defendants by the Committee for Public Counsel Services; and the same was referred, under Rule 24, to the committee on Rules.

*Papers from the Senate.*Medical
records,
retention.

A Bill regarding medical record retention requirements (Senate, No. 643, amended in sections 1 and 3, by adding at the end thereof, in each instance, the following sentence: "Under no circumstances shall a patient's medical records be disposed of until the hospital or clinic has notified the patient by certified mail, return receipt requested, addressed to the patient's last known residence, and has also published the notice in a newspaper of record in the city or town in which the patient was last known to reside.") (on Senate, No. 643 and House, No. 1861), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

The following notice was received from the Clerk of the Senate, to wit:

October 25, 2004.

Honorable Salvatore DiMasi
Speaker of the House of Representatives
Room 356 State House
Boston, MA 02133

Dear Mr. Speaker:

Senate
appointments.

I have the honor to inform you that the Honorable Robert E. Travaglini, President of the Senate, has announced the appointment of Mr. Robert M. Stevens to serve on the Special Commission established (pursuant to Section 2B of Chapter 115 of the General Laws) relative to veteran's employment opportunity.

The Honorable Brian P. Lees, Minority Leader of the Senate, has announced the appointment of Senator Richard R. Tisei to serve on

the Special Commission established (pursuant to Section 292 of Chapter 149 of the Acts of 2004) relative to regulations pertaining to assisted living facilities.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

By Mr. Koczera of New Bedford, for the committee on Public Service, on a petition, a Bill authorizing the city of Fall River Retirement Board to increase the pension payable to Dennis O'Neil a retired police officer (House, No. 4960) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Fall River,
Dennis
O'Neil
pension.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Ruane of Salem, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Hall of Westford, for the committee on State Administration, on House, No. 4113, a Bill authorizing the State Ethics Commission to provide exemptions from the conflict of interest law (House, No. 5113). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Conflict
of interest
law.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Hynes of Marshfield, the bill was read a second time forthwith; and it was ordered to a third reading.

Report of the committee on Banks and Banking, ought NOT to pass (under Joint Rule 10), on the recommitted petition (accompanied by bill, House, No. 1236) of David M. Nangle relative to electronic branches and electronic fund transfers of certain financial institutions in the Commonwealth.

Electronic
banking.

Under suspension of the rules, on motion of Ms. Jehlen of Somerville, the report was considered forthwith.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Quinn of Dartmouth.

Report of the committee on Banks and Banking, ought NOT to pass (under Joint Rule 10), on the recommitted petition (accompanied by bill, House, No. 1239) of David M. Nangle for legislation to further regulate state chartered banks.

State
chartered
banks.

Under suspension of the rules, on motion of Mr. Ruane of Salem, the report was considered forthwith.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Quinn of Dartmouth.

*Engrossed Bills.*Bill
enacted.

The engrossed Bill establishing a sick leave bank for Linda J. Magno, an employee of the Department of Mental Retardation (see House, No. 5031, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bills
enacted.

Engrossed bills

Authorizing the town of Weston to regulate certain property tax exemption eligibility requirements for the elderly (see Senate, No. 2053);

Authorizing Joseph A. Vieira III to take the examination for firefighter notwithstanding the maximum age requirement (see Senate, No. 2350);

(Which severally originated in the Senate);

Relative to the protection of inland waters (see House, No. 3561, amended);

Authorizing the treasurer of the town of Brookline to invest the trust funds of said town (see House, No. 4400);

Authorizing deferment of the Hale Hospital deficit notes by the city of Haverhill (see House, No. 4735); and

Relative to the appointment of retired police officers in the town of Canton (see House, No. 4858);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*Third
reading
bills.

Senate bills

Relative to creditable service for vocational education teachers (Senate, No. 1559, amended);

Relative to the appointment of retired police officers in the town of Wakefield (Senate, No. 2375); and

Authorizing the city of Quincy to establish an affordable housing trust fund (Senate, No. 2469);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Third
reading
bill.

The House Bill relative to the reporting of abuse of elders (House, No. 1116) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

*Order.*Next
sitting.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

Mr. Coughlin of Dedham then moved that when the House adjourns, it do so as a mark of respect to the memory of Deborah R. Cochran, a member of the House from Dedham from 1979 to 1982, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at half past eleven o'clock A.M., on motion of Mrs. Paulsen of Belmont (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.